

APPENDIX

Rule 38. Certifications and Limited Admissions to Practice Law

- (a) In-house Counsel**
 - (b) Foreign Legal Consultant**
 - (c) Law Professor Certification**
 - (d) Approved Legal Services Organizations and Certification of *Pro Bono* Counsel.**
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(a) In-house Counsel

- (1) *General Statement and Eligibility.* As used in this rule, “in-house counsel” shall refer to an attorney who is employed within the State of Arizona as in-house counsel or a related position for a single for-profit or non-profit corporation, association, or other organizational entity, which can include its parents, subsidiaries and/or affiliates, the business of which is lawful. A lawyer who is not a member of the State Bar of Arizona who has been admitted to practice law in another jurisdiction may apply for an Arizona Certificate of Registration of In-House Counsel if all of the following conditions are met:
 - (A) The applicant holds a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;
 - (B) The applicant and is currently a member in good standing of the bar of another state or the District of Columbia, or eligible to practice before the highest court in any state, territory or insular possession of the United States; and
 - (C) The applicant is employed within the State of Arizona as in-house counsel, as hereinabove defined, may apply for an Arizona Certificate of Registration of In-House Counsel (“Registration Certificate”).
- (2) *Foreign Lawyer Eligibility.* A lawyer employed as in-house counsel within the State of Arizona who is admitted to practice and a member in good standing in a jurisdiction outside of the United States, in accordance with the standards and requirements generally applicable to the practice of law in that jurisdiction, may also apply for a Registration Certificate.
- (3) *Filing Requirements.* Any attorney who commences employment by an eligible organization as in-house counsel shall apply for a Registration

Certificate within ninety (90) days of the date of commencement of employment.

(A) An applicant for a Registration Certificate shall:

- (i) file with the State Bar of Arizona its form of verified application for an Arizona Certificate of Registration of In-House Counsel;
- (ii) attach to the verified application a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States, or foreign jurisdiction, in which the applicant has been admitted to practice law certifying the current status of the applicant's membership or eligibility to practice therein;
- (iii) certify that the applicant has read and is familiar with the Arizona Rules of Professional Conduct;
- (iv) pay an application fee in an amount established by the Supreme Court; and
- (v) submit evidence that the applicant has successfully completed the course on Arizona law described in Rule 34(j).

(B) Upon a determination by the State Bar of Arizona that the applicant has complied with the requirements of subdivision (3)(A), the State Bar shall issue to the applicant a Registration Certificate. The State Bar shall promptly notify any applicant if it determines that an application fails to comply with the requirements of subdivision (3)(A), and the applicant shall have thirty (30) days from the date of such notice in which to cure any deficiency. If the applicant fails to cure such deficiency within that thirty (30) day period, the application shall be deemed denied.

(C) An applicant may petition the Arizona Supreme Court for a waiver of any of the requirements for registration under this rule.

(4) *Scope of Authority.* Except as provided in this rule, the holder of a valid and current Registration Certificate shall be entitled to the benefits and responsibilities of active members of the State Bar of Arizona. A Registration Certificate shall not authorize the registrant to provide legal services to any person or entity except when providing legal services to the one for which the registrant serves as in-house counsel, or its parents, subsidiaries or affiliates, or when providing legal services under Rule 38(d).

- (5) *Discipline and Disability Jurisdiction.* The holder of a Registration Certificate shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the State Bar.
- (6) *Termination of Certification.* A lawyer's authority to practice as in-house counsel under a Registration Certificate issued pursuant to this rule shall be suspended when the lawyer is suspended or disbarred for disciplinary reasons in any jurisdiction of the United States, or by any federal court or agency, or by any foreign nation before which that lawyer has been admitted to practice.
- (7) *Registration, Fees and CLE Requirements.*
 - (A) On or before February 1 of each year, in-house counsel registered pursuant to the provisions of this rule, who continues to be employed as in-house counsel within the State of Arizona, shall renew the Registration Certificate and pay a renewal fee set by the Supreme Court.
 - (B) An attorney registered pursuant to this rule who has become employed by a different eligible entity but continues to meet all the requirements of this rule, must apply for the issuance of an amended Registration Certificate to reflect that change.
 - (C) A lawyer who has been issued a Registration Certificate under this rule shall satisfy the continuing legal education requirements, if any, of at least one of the other state(s) or jurisdiction(s) in which that lawyer is admitted to practice. If not subject to mandatory continuing legal education requirement in the other state(s) or jurisdiction(s), the lawyer shall comply with Arizona's continuing legal education requirements. On or before September 15 of each calendar year, every registered in-house counsel shall file an affidavit demonstrating full compliance with this rule.
- (8) *Reporting Requirements.* Each lawyer issued a Registration Certificate shall report to the State Bar of Arizona, within thirty (30) days, any change in bar membership status in any jurisdiction of the United States or in any foreign jurisdiction where the applicant has been admitted to the practice of law, or the imposition of any disciplinary sanction by any federal or state court or agency before which the applicant has been admitted to practice, or in any state in which the lawyer has rendered legal services while temporarily authorized under any rule or by admission pro hac vice.

If there is a change in circumstances, and an attorney holding a current Registration Certificate becomes ineligible for such Certificate, the attorney

shall notify the State Bar of Arizona of such change in writing within thirty (30) days.

- (9) *Pro Hac Vice Admission.* In providing legal services to the lawyer's employer, a lawyer who has been issued a Registration Certificate under this rule may also secure admission pro hac vice in Arizona to provide the services authorized in the preceding paragraph by complying with the requirements of Rule 39 of these rules. A lawyer who has been issued a Registration Certificate under this rule may provide services under Rule 38(d) without securing admission pro hac vice.

A lawyer serving as in-house counsel in Arizona who fails to register pursuant to the provisions of this rule shall be ineligible for admission pro hac vice in Arizona, and may be referred by the State Bar of Arizona to the Bar admission and/or disciplinary regulatory authority in any jurisdiction in which that lawyer has been admitted to practice law.

- (10) *Subsequent Admission.* If an attorney registered under this rule is subsequently admitted to the practice of law in Arizona, that attorney's in-house counsel registration shall be superseded by the Arizona license to practice law.

(b) Foreign Legal Consultant

- (1) *General Statement and Eligibility.* A "foreign legal consultant" is a person who is admitted to practice and is in good standing as an attorney or counselor at law or the equivalent in a foreign country and has been issued a certificate of registration as a foreign legal consultant. To be issued a certificate of registration as a foreign legal consultant, an applicant must:
- (A) have been admitted to practice and have been in good standing as an attorney or counselor at law or the equivalent in a foreign country for not less than five years immediately preceding the date of the application;
 - (B) have engaged in the practice of law in such country or in a profession or occupation that requires admission to practice and good standing as an attorney or counselor at law or the equivalent in such country for at least three of the five years immediately preceding the date of the application;
 - (C) possess the character and fitness required of all applicants for admission to the practice of law in Arizona;
 - (D) intend to practice as a registered foreign legal consultant in Arizona and to maintain an office in Arizona for that purpose; and

- (E) possess the necessary documentation evidencing compliance with the immigration laws of the United States;
- (2) *Filing Requirements.* An applicant must file an application for foreign legal consultant registration with the Committee on Character and Fitness on a form supplied by the Committee. An application must include all of the following:
- (A) an application fee as established by the Supreme Court;
 - (B) a character report and character investigation fee as established by the Supreme Court;
 - (C) a certificate from the professional body or public authority having jurisdiction over professional discipline in each foreign county in which the applicant is admitted to practice, certifying the applicant's admission to practice, date of admission and good standing as an attorney or counselor at law or the equivalent;
 - (D) a letter of recommendation from one of the members of the executive body of each professional body or public authority referenced in (2)(C) or from one of the judge of the highest law court or court of original jurisdiction in each foreign county in which the applicant is admitted;
 - (E) duly authenticated English translations of the certificate required by (2)(C) and the letter of recommendation required by (2)(D), if they are not in English; and
 - (F) other evidence of applicant's educational and professional qualifications, character and fitness, and satisfaction of the conditions of (1) of this rule as the Committee on Character and Fitness may require. If strict compliance with the provisions of (C) of this rule would cause the applicant unnecessary hardship or upon a showing of exceptional professional qualifications to practice as a foreign legal consultant, the Committee may waive or vary the application of those provisions and permit the applicant to furnish other evidence.
- (3) *Scope of Authority.*
- (A) *Scope of Practice.* A person registered to practice as a foreign legal consultant under this rule may render legal services in Arizona subject, however, to the limitations that he or she shall not:
 - (i) appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state other than upon admission pro hac vice pursuant to Rule 39;

- (ii) prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States of America;
 - (iii) prepare any will or trust instrument affecting the disposition on death of any property located in the United States of America and owned by a resident thereof;
 - (iv) prepare any instrument relating to the administration of a decedent's estate in the United States of America;
 - (v) prepare any instrument in respect to marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of a resident;
 - (vi) render professional legal advice on the law of this state or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this rule) to render professional legal advice in this state;
 - (vii) in any way hold himself or herself out as a member of the state bar.
- (B) Title of “Legal Consultant”. A person registered as a foreign legal consultant under this rule shall at all times use the title “legal consultant”, which shall be used in conjunction with the name of the foreign country of his or her admission to practice, and shall not carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:
- (i) his or her own name;
 - (ii) the name of his or her law firm;
 - (iii) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country.
- (4) *Rights and Obligations.* A foreign legal consultant registered under this rule shall not be a member of the state bar but shall be considered an affiliate of the state bar subject to the same conditions and requirements as apply to a member of the state bar under the Rules of the Supreme Court governing members of the state bar, insofar as conditions and requirements are consistent with the provisions of this rule, and shall:

- (A) have the right, in the same manner and to the same extent as members of the state bar, to:
 - (i) employ one or more members of the state bar;
 - (ii) be employed by one or more members of the state bar or by any partnership or professional corporation that includes members of the state bar or that maintains an office in this state; or
 - (iii) be a partner in any partnership or shareholder in any professional corporation that includes members of the state bar or that maintains an office in this state;
 - (B) enjoy and be subject to all rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges in the same manner and to the same extent as members of the state bar; and
 - (C) within one year after receiving a certificate of registration, a foreign legal consultant shall complete the state bar course on professionalism, or an equivalent course on the principles of professionalism approved or licensed by the Board of Governors of the State Bar of Arizona for this purpose.
- (5) *Discipline and Disability Jurisdiction.* A person registered as a foreign legal consultant under this rule shall be subject to professional discipline and disability proceedings in the same manner and to the same extent as members of the state bar.
- (6) *Termination of Registration.* If the Supreme Court determines that a person registered as a foreign legal consultant under this rule no longer meets the conditions for registration, it may summarily terminate the foreign legal consultant's registration. Upon termination of the registration, the person shall immediately cease acting as a foreign legal consultant, notify in writing all clients in pending matters, and opposing counsel in pending matters, of the termination of the person's authority to act as a foreign legal consultant, and take all necessary steps to protect the interests of clients.
- (7) *Registration and Fees.* A person registered as a foreign legal consultant must renew his or her registration and pay a renewal fee set the Supreme Court on or before February 1 of each year.
- (8) *Registration Number.* A person registered as a foreign legal consultant shall be assigned a registration number, which will be used to identify that person's registration status in Arizona. Any pleading signed by the foreign legal consultant must include the person's registration number.

- (9) *Subsequent Attorney Admission.* If a person registered as a foreign legal consultant in Arizona is subsequently admitted to the practice of law in Arizona, that person's foreign legal consultant registration will be superseded by the Arizona license to practice law.

(c) Full-time and Clinical Law Professors

- (1) *General Statement and Eligibility.* The Supreme Court may certify a law professor who has been admitted to practice law in another jurisdiction in the United States to practice law in Arizona if all the following conditions are met:
- (A) the applicant is a graduate with a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of the applicant's graduation;
 - (B) the applicant is employed full-time as a faculty member at a law school in Arizona which is provisionally or fully approved by the American Bar Association;
 - (C) the applicant is a member in good standing of the bar of all courts and jurisdictions in which the applicant is admitted to practice;
 - (D) the applicant is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability proceeding in any jurisdiction; and
 - (E) the applicant possesses the character and fitness required of all applicants for admission to the practice of law in Arizona.
- (2) *Filing Requirements.* An applicant must submit an application for law professor certification with the Committee on Character and Fitness on a form supplied by the Committee. The application must include all of the following:
- (A) an application fee as established by the Supreme Court;
 - (B) a character report and character investigation fee as established by the Supreme Court;
 - (C) a certification of employment by the law school;
 - (D) a certificate of good standing from all courts and jurisdictions in which the applicant is admitted to practice; and
 - (E) evidence that the applicant has successfully completed the course on Arizona law described in Rule 34(j).
- (3) *Certification of Full-time and Clinical Law Professors.*
- (A) Full-time Law Professors. If the Committee determines that the full-time law professor possesses the character and fitness required of

other applicants for admission, it shall recommend to the Court the applicant's certification to practice law. The applicant may not act as counsel for a client until certified under this rule by order of the Court. A copy of the order certifying the attorney will be sent by the Clerk to the Chief Bar Counsel.

(B) Clinical Law Professors. A law professor providing clinical instruction to law students is authorized to practice law in connection with the supervision of a clinical law program at the law school while the application for certification is pending before the Committee, provided that the clinical law professor:

- (i) has first submitted an application for law professor certification deemed complete by the Committee;
- (ii) is supervised by an attorney licensed to practice in Arizona, and discloses the name, address, and membership status of that attorney;
- (iii) affirmatively states in all written communications with the public and clients the following language: "Practice temporarily authorized pending certification under Rule 38(c). Supervision by [name of attorney], a member of the State Bar of Arizona."

If the Committee determines that the clinical law professor possesses the character and fitness required of other applicants for admission, it shall recommend to the Court the applicant's certification to practice law. A copy of the order certifying the attorney will be sent by the Clerk to the Chief Bar Counsel.

- (4) *Scope of Authority.* Except as provided in this rule, an attorney certified under this rule shall be entitled to all rights and privileges and subject to all duties, obligations, and responsibilities applicable to licensed Arizona attorneys for the period of authorized practice.
- (5) *Discipline and Disability Jurisdiction.* An attorney certified under this rule shall be subject to the Arizona Rules of Professional Conduct and attorney discipline and disability proceedings in the same manner and to the same extent as members of the state bar.
- (6) *Termination of Certification.* Certification under this rule will automatically terminate when the attorney:
 - (A) no longer holds full-time status as a law professor at the Arizona law school; or

- (B) is disciplinarily suspended or disbarred or placed on disability inactive status in any jurisdiction, court, or agency before which the attorney is admitted.

The attorney admitted under this rule must notify the State Bar of any such change of status within thirty days of the change.

- (7) *Action Required after Termination of Certification.* Upon termination of certification under subsection 5, within thirty days the attorney must:
 - (A) notify in writing all clients in pending matters, and co-counsel and opposing counsel in pending litigation, of the termination of the attorney's authority to practice law in Arizona;
 - (B) decline any new representation that would require the attorney to be admitted to practice in Arizona; and
 - (C) take all other necessary steps to protect the interests of clients.
- (8) *Registration, Fees & CLE.* An attorney certified under this rule must pay annual registration fees as required under Rule 32 and comply with mandatory legal education requirements under Rule 45.
- (9) *Registration number.* An attorney certified under this rule shall be assigned a registration number, which shall be used to identify that attorney's status in Arizona in accordance with applicable rules of procedure.
- (10) *Subsequent Attorney Admission.* If an attorney certified under this rule is subsequently admitted to the practice of law in Arizona, the attorney's law professor certification will be superseded by the Arizona license to practice law.

(d) Approved Legal Services Organizations and Certification of *Pro Bono* Counsel.

- (1) *Approved Legal Service Organizations.* An "approved legal services organization" is a non-profit legal entity that has as one of its primary purposes the provision of free civil legal assistance to low income individuals.
 - (A) *Filing Requirements.* To qualify as an approved legal services organization, an entity must first file a petition with the Clerk of the Arizona Supreme Court, and a copy of the petition with the Chief Bar Counsel of the State Bar of Arizona. The petition must contain the following information:
 - (i) A statement that it does not accept fees for services rendered to its clients;

- (ii) An explanation of the structure of the organization;
 - (iii) Disclosure of the major sources of funds used by the organization;
 - (iv) The criteria used to determine potential clients' eligibility for legal and non-legal services performed by the organization;
 - (v) A description of the types of legal services provided by the organization;
 - (vi) The names of all attorneys who are employed by the organization, or who regularly or periodically provide volunteer legal services for clients under the auspices and supervision of the organization; and
 - (vii) The existence and extent of malpractice insurance that will cover attorneys authorized to practice under Rule 38(d)(2).
- (B) *State Bar comment.* The State Bar of Arizona, through its Chief Bar Counsel or other authorized representative, may, within ten days of receipt, file a comment on the petition with the Clerk.
- (C) *Annual Notice to Court.* On or before February 1 of each year, the organization shall file a notice with the Clerk and a copy with the State Bar, providing updated information, including a current list of employed and volunteer lawyers certified under this rule, and certifying that the organization has provided, and will insure that volunteer *pro bono* lawyers providing services ~~under its auspices and supervision pursuant to this rule~~ have completed, regular and been offered appropriate training and continuing legal education as it relates to the *pro bono* work being performed under the auspices of the organization. The State Bar, through its Chief Bar Counsel or other authorized representative, may, within ten days of receipt, file a comment on the organization's annual notice with the Clerk.
- (D) *Scope of Authority.* A legal services organization is not approved until an administrative order confirming such approval is entered by the Court. A copy of the order approving the legal services organization and/or certifying the employed or volunteer *pro bono*

lawyers listed by the legal services organization, will be sent by the Clerk to the Chief Bar Counsel.

- (E) *Termination of Authorization.* In the event of non-compliance with these provisions, the Court *sua sponte*, or on application by the State Bar, may order the legal services organization to show cause as to whether its approved status, and the *pro bono* certification of lawyers working under its auspices and supervision, should be revoked.

(2) *Certification of Pro Bono Counsel.*

- (A) *General Statement.* The Supreme Court may certify attorneys not otherwise authorized to practice law in Arizona to provide *pro bono* legal services under the auspices of a legal services organization approved under Rule 38(d)(1). “*Pro bono* services” are civil legal services provided without charge to low income clients. ~~These services may be provided by (1) attorneys licensed to practice law in Arizona; (2) attorneys not licensed to practice in Arizona, but directly employed and certified as *pro bono* counsel by an approved legal services organization; and (3) volunteer lawyers duly certified as *pro bono* counsel, as provided in this rule.~~

- (B) *Eligibility.* ~~The Supreme Court may certify attorneys not otherwise authorized to practice law in Arizona to provide legal services under the auspices and supervision of an approved, non-profit legal services organization, as more fully described in Rule 38(d)(1).~~ To be certified, the attorney must be one of the following:

- (i) *An attorney, including a retired attorney, admitted to practice in Arizona who:*
- (a) Has practiced law for at least five years, but is now on inactive or retired status;
 - (b) Is a member in good standing of the bar of all courts and jurisdictions in which he or she has been admitted to practice;
 - (c) Has not been disciplined for professional misconduct during the last five years, and has no pending disciplinary or disability proceeding; and

- (d) Limits his or her practice to acting as *pro bono* counsel as set forth in this rule and, notwithstanding the reduced fee provisions of Ethical Rule 6.1(a), will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered; or
 - (ii) *An out of state attorney domiciled in Arizona but not admitted to practice law in Arizona, who:*
 - (a) Has been licensed to practice law for at least five years and is on active, inactive or equivalent status in another jurisdiction;
 - (b) Is a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;
 - (c) Has not been disciplined for professional misconduct during the last five years and has no pending formal disciplinary or disability proceeding;
 - (d) Has successfully completed the course on Arizona law described in Rule 34(j);
 - (e) Has read and agrees to be subject to the Arizona Rules of Professional Conduct; and
 - (f) Limits his or her practice to acting as *pro bono* counsel as set forth in this rule and, notwithstanding the reduced fee provisions of Ethical Rule 6.1(a), will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered; or
 - (iii) *An attorney, either domiciled in Arizona or outside Arizona, who is employed part-time or full-time by an approved legal services organization in this state, and who:*
 - (a) Has been licensed to practice law for at least two years, ~~and~~ holds an active license to practice law in another jurisdiction in the United States, and is a member in good standing of the bar of all courts or jurisdictions in which he or she is admitted to practice;

- (b) Has not been disciplined for professional misconduct in the last five years and has no pending formal disciplinary or disability proceeding;
 - (c) Has successfully completed the course on Arizona law described in Rule 34(j);
 - (d) Has read and agrees to be subject to the Arizona Rules of Professional Conduct; and
 - (e) Limits his or her practice to acting as *pro bono* counsel as set forth in this rule; or
 - (iv) *An attorney, not licensed to practice in Arizona, but who is duly registered as In-House Counsel pursuant to Rule 38(a), and provides pro bono legal services under the auspices and supervision of an approved legal services organization, pursuant to Rule 38(d)(1).*
- (C) *Filing Requirements.* The approved legal services organization under which a lawyer is to provide *pro bono* legal services shall file an initial application with the Clerk listing those lawyers it seeks to qualify for *pro bono* counsel certification. For each such lawyer, the application shall include:
- (i) A certificate from each of the highest courts or agencies in the state, territory or district in which the applicant is presently licensed to practice law, documenting that the applicant is a member in good standing of all courts and jurisdictions in which he or she has been admitted to practice, and has no disciplinary history within the last five years or any pending discipline or disability proceeding. An applicant who is registered as In-House Counsel pursuant to Rule 38 (a) shall fulfill this requirement by providing a copy of his or her current Arizona Certification of Registration of In-House Counsel;
 - (ii) An avowal by the approved legal services organization that the applicant is employed by or is an unpaid volunteer providing *pro bono* legal services under the auspices of the organization;

- (iii) An avowal from the applicant certifying he or she qualifies under and agrees to the provisions of Rule 38(d)(2)(A).
- (D) *Scope of Authority.* An attorney certified and registered under this rule has the authority to act as *pro bono* counsel for clients as defined in this rule. The attorney may not act as counsel for a client until certified under this rule by order of the Court.
- (E) *Recovery of Attorneys' Fees and Costs.* This rule does not preclude an approved legal services organization from receiving court-awarded attorneys' fees and costs for representation provided by certified *pro bono* counsel; ~~and shall not preclude e~~Certified volunteer *pro bono* counsel may be ~~from receiving reimbursement for otherwise~~ recoverable costs, but may not seek or collect ~~not including~~ attorneys' fees; incurred in representing a *pro bono* client.
- (F) *Discipline and Disability Jurisdiction.* An attorney certified under this rule is subject to the Arizona Rules of Professional Conduct. In addition to the proceedings and forms of discipline identified in those rules, the attorney may also be enjoined from further practice of law in Arizona.
- (G) *Termination of Certification.* Certification under this rule shall automatically terminate when:
 - (i) An attorney employed by an approved legal services organization ceases working for that organization and is not employed by another approved legal services organization;
 - (ii) The approved legal services organization with which the attorney is associated fails to file the annual supplemental statement required in Rule 38(d)(1)(C), or fails to identify the attorney in that filing;
 - (iii) The attorney is suspended or disbarred or placed on disability inactive status in any jurisdiction, court or agency before which the attorney is admitted;
 - (iv) The attorney is suspended in any jurisdiction for failure to pay child support or failure to cooperate in a disciplinary matter; or

- (v) The attorney fails to complete the dues statement or pay the prior year's attorney registration fees as required in Rule 38(d)(2)(H)(i) or (ii).

(H) *Notice of change of status.* The approved legal services organization shall notify the Clerk of the Arizona Supreme Court in writing of any change of status described in Rule 38(d)(2) (F) within 28 days of such change.

(I) *Registration, Fees and CLE.*

- (i) An otherwise retired or inactive attorney certified under this rule shall not be required to pay an annual registration fee if the attorney has provided ten (10) hours of *pro bono* legal services under this rule within the prior twelve-month period. To be exempt from paying an annual registration fee, the attorney shall complete a dues statement provided by the State Bar of Arizona on or before February 1, identifying the approved legal services organization(s), as described in this rule, for which the attorney has volunteered in the prior twelve-month period, and avowing that he or she has provided ten (10) hours of *pro bono* services during that period and remains qualified for such waiver and for continuing certification as *pro bono* counsel under this rule.
- (ii) An attorney who has not provided at least ten (10) hours of *pro bono* legal services under this rule within the prior twelve-month period but who wishes to remain certified as *pro bono* counsel must pay the registration fee that was applicable in the prior calendar year for registered inactive or retired attorneys, as appropriate, pursuant to the fee schedule established by the Court.
- (iii) Failure of an attorney certified under this rule to complete the State Bar's dues statement, as described above, or to pay the prior year's inactive attorney registration fees by February 1 of each year, shall automatically terminate that lawyer's status as certified *pro bono* counsel and result in suspension of the attorney's Arizona license, if applicable.

- (iv) Attorneys directly employed by an approved legal services organization and licensed volunteer attorneys in active practice must comply with the Mandatory Continuing Legal Education requirements of Rule 45. Retired and inactive lawyers certified as *pro bono* counsel are exempt from Rule 45 CLE reporting requirements.

- (J) *Certification Number.* An attorney certified under this rule shall be assigned a certification number by the State Bar of Arizona, which shall be used to identify that attorney's authorization to practice in Arizona. Any pleading signed by an attorney authorized under this rule shall include the attorney's certification number. Whenever an initial appearance is made in court without a written pleading, the attorney shall advise the court of the attorney's certification number.

- (K) *Subsequent Attorney Admission.* If an Arizona attorney certified under this rule subsequently changes his or her status to active, that attorney's *pro bono* counsel certification shall be terminated. If an attorney licensed in another jurisdiction but certified to practice in Arizona under this rule is subsequently admitted to the practice of law in Arizona, that attorney's *pro bono* counsel certification shall be superseded by the Arizona license to practice law.